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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 TUTORING CLUB, LLC,

9 Plaintiff,

10 v.

11 CHRISTOPHER B. SWENSON,

12 Defendant.
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2:12-CV-544 JCM (VCF)

14 **ORDER**

15 Presently before the court is defendant Christopher B. Swenson;s motion to strike, or,
16 alternatively, for leave to file a sur-reply. Doc. #42. Plaintiff has not yet filed a response.

17 The matters addressed in defendant’s motion to strike are set for hearing for Wednesday
18 August 1, 2012. Defendant will have sufficient opportunity to object to plaintiff’s motion and
19 proposed order at that time. Accordingly, the court finds no reason to strike the documents at this
20 time. The court will hear the parties’ respective positions on the issue of a preliminary injunction
21 at the hearing and only after determine what order to enter.

22 However, a sur-reply may be filed by leave of court “to address new matters raised in a reply
23 to which a party would otherwise be unable to respond.” *Kanvick v. City of Reno*, No. 3:06-CV-
24 00058-RAM, 2008 WL 873085, *1 n.1 (D. Nev. Mar. 27, 2008). This district often allows sur-
25 replies that are deemed “helpful in adjudicating” a pending motion. *See, e.g., Visa Intern. Serv.*
26 *Ass’n v. JSL Corp.*, 533 F. Supp. 2d 1089, 1099 (D. Nev. 2007).

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1 The court finds that the proposed sur-reply filed as an exhibit to the motion will be helpful
2 in adjudicating the pending motion for preliminary injunction. Accordingly, defendant's motion for
3 leave to file a sur-reply is granted. The clerk of the court shall detach the sur-reply, filed as Exhibit
4 1, to defendant's motion, and docket it as a sur-reply in opposition to plaintiff's motion for a
5 preliminary injunction.

6 IT IS SO ORDERED.

7 DATED July 27, 2012.

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10 UNITED STATES DISTRICT JUDGE
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